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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,856	12/14/2004	Lothar Ginzl	5255-41PUS	9084
27799 7590 07/12/2007 COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			EXAMINER STRIMBU, GREGORY J	
			ART UNIT 3634	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,856	Applicant(s) GINZEL, LOTHAR	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2007 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/13/07 + 12/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on April 17, 2003 and the receipt of a copy of said application. It is noted, however, that applicant has not filed a certified copy of the 103 18 160.1 application as required by MPEP 1893.03(c).

Drawings

The amendment filed April 13, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the illustration of the guide rail as being U-shaped in figure 4A, the illustration of the insulation 62 in figures 4 and 4A, the illustration of the current collectors in figures 4 and 4A, and the illustration of the combination the trailing cable and a guide rail. It should be noted that there is no support in the disclosure for showing the guide rail as a U-shaped member. Additionally, there is no support in the disclosure for showing the insulation as a single flat element. Finally, the disclosure does not support the combination of the guide rail and the trailing cable. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation "like" on line 2 of claim 21 renders the claim indefinite because it is unclear what the applicant is attempting to set forth. How much like a hook does a connector need to be before it can be referred to as hook "like"?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krimmel (US 6865848) in view of Hein (US 6079162) and Emde (US 20040031234). Krimmel discloses an automatic sliding door comprising: at least one displaceable leaf 2 comprising a pane of glass 26 having horizontal (not numbered, but shown in figure 1) and vertical edges (not numbered, but shown in figure 1); at least one light source 24 provided in the displaceable leaf, and a current feed 17 for supplying electrical current from a power supply to the light source, a stationary crossbar 30 from which the at least one displaceable leaf is suspended, said current feed comprising a pair of current rails (not shown, but see column 2, lines 9-13) mounted on the crossbar,

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and a pair of current collectors 22, 23 mounted on each said displaceable leaf, said collectors on each said leaf being in electrical contact with respective said rails, each connector comprising a hook-like connector. Although not explicitly disclosed, each of the current rails, as disclosed in column 2, lines 9-13, would have to be insulated from the crossbar so as to prevent the system from shorting out. Krimmel is silent concerning mounting the light source in a framing and a motor.

However, Hein discloses a sliding door comprising a displaceable leaf 19 and a drive motor 23 coupled to said at least one leaf for displacing said at least one leaf to open and close the door. Hein further discloses at least one stationary side part 6 comprising a pane of glass 5 having horizontal (not shown) and vertical (not shown) edges framed by an upper profile (not numbered, but shown in figure 4), a lower profile 2, and a pair of vertical profiles 1.

It would have been obvious to one of ordinary skill in the art to provide Krimmel with a drive motor and a stationary side part, as taught by Hein, to enable the leaf to automatically open and close and to improve the aesthetics of the automatic sliding door, respectively.

Additionally, Emde discloses a displaceable leaf comprising a pane of glass 100 having horizontal and vertical edges only one of which is shown in figure 1 framed by a frame 110 comprising upper profile, a lower profile, and a pair of vertical profiles (not all of which are shown, but see figure 1 and paragraph 21), and a light source 102 provided in at least one of the profiles, the light source emits light into and faces an edge 108 of a pane of glass 100, the light source 102 comprises a plurality of LEDs, a

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cavity (not numbered, but shown in figure 1 partially filled with a sealing compound 105 (see paragraph 19, lines 12-15).

It would have been obvious to one of ordinary skill in the art to provide Krimmel with a framing and a light source mounted in the framing, as taught by Emde, to more thoroughly illuminate the entire glass pane while improving the aesthetics of the sliding door.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krimmel in view of Hein and Emde as applied to claims 11-18, 20 and 21 above, and further in view of Takano et al. (US 5996281). Takano et al. discloses a current feed 14 in the upper profile 7 of a displaceable leaf 1A, a stationary crossbar 33 from which the displaceable leaf is suspended, said current feed comprising a trailing cable 37 from the crossbar to said displaceable leaf.

It would have been obvious to one of ordinary skill in the art to provide Krimmel, as modified above, with a power supply system, as taught by Takano et al., to provide power to the sliding door while decreasing the possibility of electrocution.

Response to Arguments

Applicant's arguments filed April 13, 2007 have been fully considered but they are not persuasive. With respect to the applicant's comment's concerning Krimmel, the examiner respectfully disagrees. The applicant's comments concerning a "live" contact, even if true, are not persuasive since they are not supported by the claim language.

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With respect to the applicant's comments concerning Krimmel failing to disclose how to feed current through an upper profile, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Finally, one with any modicum of skill in the art would know to insulate electrically charged elements from elements which are grounded. Therefore, the electrical conductors of Krimmel, as disclosed on lines 9-13 of column 2, would be required to be insulated from the crossbar.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
July 9, 2007